

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
Daniel Malsch, : Case No. 17-bk-03339-JJT
Debtor :
Monroe County Tax Claim Bureau, : Objection to Confirmation of
Movant : Chapter 13 Plan
v. :
Daniel Malsch and :
Charles J. DeHart, III, Trustee, :
Respondents :
:

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Monroe County Tax Claim Bureau, by and through its attorney, Philip W. Stock, objects to the confirmation of Debtor's Chapter 13 Plan for the following reasons:

1. On August 11, 2017, Debtor filed his Petition for Relief under Chapter 13 of the Bankruptcy Code;
2. Debtor filed a previous bankruptcy on November 29, 2013, which was dismissed;
3. Debtor owns the residence/recording studio which is located at 5348 Spruce Lane, East Stroudsburg, PA 18302, which is further identified by Tax Code Parcel 09/13/3/18;
4. On September 15, 2017, the Monroe County Tax Claim Bureau (MCTCB) filed its Proof of Claim, in the amount of \$145,816.65;

5. The MCTCB's Proof of Claim includes unpaid property taxes from 2013 through 2017 in connection with the above described residence;
6. Debtor's Plan proposes to pay the property tax arrearage of \$145,816.65, upon the sale of the residence within two years, with a nominal payment in the Plan during those two years;
7. Debtor's Plan violates 11 U.S.C. Section 1325(a)(1) because the Plan is not feasible. Debtor proposes to sell the real estate to fund the Plan within two years, which exceeds a reasonable time of one year from the date of the filing of the bankruptcy;
8. Debtor's Plan violates 11 U.S.C. Section 1325(a)(1) because the Plan is not feasible. As noted above, Debtor filed a previous bankruptcy in 2013, in which he was going to sell the residence. However, he has never, actually, sold the residence;
9. Debtor's Plan violates 11 U.S.C. Section 1325(a)(1) because the Plan is not feasible. Debtor should be making reasonable adequate protection payments, on a monthly basis, to the Trustee, in order to address his growing property tax arrearage;
10. Debtor's Plan violates 11 U.S.C. Section 1325(a)(1) because Debtor proposes, under Paragraph 6 of the Plan, to vest property in Debtor upon confirmation of the Plan. This is improper since Plan funding is premised upon the sale of an asset which could take place long after confirmation of the Plan.

WHEREFORE, the Monroe County Tax Claim Bureau respectfully requests that the confirmation of Debtor's Chapter 13 Plan be denied.

Date: 02/13/18

/s/Philip W. Stock

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